

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

DEC 28 2020

ROBERT WIRTZ, JR.,
PLAINTIFF,

V.

CASE NO.

CARMELIA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY PH DEPUTY

CIV-20-1289-G

MARY DAVIDSON, WARDEN
MARTIN, LT. HOWE, SGT. LOAN,
SGT. THOMPSON, C.O. YATES
AND OTHER JOHN DOES TO BE
NAMED,

PETITION FOR RELIEF PURSUANT TO 42 U.S.C. § 1983

PETITIONER, ROBERT WIRTZ, JR., #198927, NFCC, 1605
E. MAIN ST. SAYRE, OK. 73662, RESPECTFULLY SEEKS RELIEF
AGAINST DEFENDANTS, STATE DEPT. OF CORR. EMPLOYEES:

1. CASE MANAGER, MARY DAVIDSON, NFCC
2. WARDEN MARTIN, NFCC 1605 E. MAIN, SAYRE, OK 73662
3. LT. HOWE, NFCC " " "
4. SGT. LOAN, NFCC " " "
5. SGT. THOMPSON, NFCC " " "
6. C.O. YATES, NFCC " " "
7. JANE DOE, HEALTH SERVICES ADMIN. " "
8. OTHER JOHN/JANE DOES TO BE NAMED.

SUMMARY OF CLAIM

- I. DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS.
- II. RETALIATION FOR SEEKING LEGAL REDRESS
- III. DENIAL/INTERFERENCE WITH ACCESS TO COURTS
- IV. VIOLATIONS OF RELIGIOUS FREEDOMS
- V. ADA VIOLATIONS
- VI. CONSPIRACY TO VIOLATE CIVIL RIGHTS

PRELIMINARY FACTS

petitioner has been housed at North Fork Corr. Center (NCCC) since January of last year. When he arrived, he was litigating WINTZ v. REGALADO, 18-cv-599-N.D. OR (See published Case). Petitioner also has pending his motion for postconviction Relief but defendants refuse to provide him access to a law library for month after month (Jane Doe, Law Librarian and Warden Martin, Lt. Houck), Refuse to allow him to call an attorney (Sgt. Loan, Lt. Houck, Warden Martin) and have placed him in Solitary Confinement, Refuse to allow him phone calls, Refuse to allow him his legal materials, refuse to answer any grievances - though petitioner has submitted dozens in the last 30 days on all relevant issues. Petitioner missed a deadline under the PIRA because defendants refused to provide his legal materials, legal call and access to a law library. Defendants refuse to provide forms for this action, deny pain management for Spinal Stenosis and hernia that is effective, Refuse to do surgery for hernia, refuse to provide preventative measures (Wrap, Support garment for Hernia) Refuse to provide mental health Rotor for over 6 weeks (from 11-01-20 to date), refuse to provide Oral Surgeon Consultation for Severe

medical need, harass, intimidate and even threaten petitioner for seeking legal redress. Defendants further force petitioner to continue in a prison 18 months after he has converted to Christianity and destroy his written requests to have chest changed in violation of his religious freedom; Conspire as a unit to oppress, harass, intimidate and retaliate against petitioner for his Seeking Redress for his disability and Serious medical needs and Refuse to recognize Medical Marijuana as an option in Oklahoma for pain, arthritis, Stenosis, depression, insomnia, anxiety, IBS, hernia pain and more.

Petitioner will submit detailed facts when he obtains proper forms for §1983 from the Honorable Court and Respectfully requests the Same and leave to amend this Complaint.

He demands a Jury trial and damages in Excess of 500 K. TRO to halt Retaliation! Injustice Relief! Respectfully Submitted

Robert Wartz

ROBERT WARTZ #198921
NICE 1605 E. Main St
Savage, OK 73662